**REMARKS**

INTRODUCTION

In view of the following, reconsideration of the allowability of the pending claims is respectfully requested.

Claims 1, 2, 4-7, 9-14, 16-18, 20-23, 25, 26, 28-38 and 40-45 are pending and under consideration.

REQUEST FOR NEW NON-FINAL OFFICE ACTION

It is briefly noted that the Office Action has rejected claim 22 based on a combination of Schein et al. U.S. Patent No. 6,002,394, and Terakado, U.S. Patent No. 6,311,329, while claim 22 depends from claim 14, which the Office Action had already indicated Schein et al. failed to disclose all the claimed features, i.e., the rejection of claim 14 depends on a combination of Schein et al. and Lee, U.S. Patent No. 5,418,903.

Therefore, it is respectfully submitted that this rejection of claim 22 is improper, and a new non-final Office Action is respectfully requested.

REJECTION UNDER 35 USC 103

Claims 1, 2, 4, 6, 7, 14, 17, 18, 33, 34, 38-41, 43, and 44 stand rejected under 35 USC 103 as being obvious over Schein et al., U.S. Patent No. 6,002,394, in view of Lee, U.S. Patent No. 5,418,903. This rejection is respectfully traversed.

By way of review and as an example, independent claim 1 sets forth:

"An apparatus comprising:

an on screen data (OSD) graphic data receiver which receives OSD graphic data from an external OSD graphic data source; and

a processor which processes the OSD graphic data,

wherein the OSD graphic data receiver further comprises:

a memory which stores the OSD graphic data from the external OSD graphic data source; and

a controller which stores the OSD graphic data in the memory in response to an OSD graphic data storage signal and reads the OSD graphic data from the memory in response to an OSD display signal, to supply the read OSD graphic data to the processor, and

wherein the memory comprises:

a buffer region; and

an OSD region; and

wherein the controller stores the OSD graphic data in the buffer region and stores the OSD graphic data from the buffer region in the OSD region in response to a replacement signal received from a command inputter operated by a user, and supplies the OSD graphic data stored in the OSD region to the processor in response to the OSD display signal."

Regarding claim 1, the Office Action indicates that Schein et al. is being interpreted as disclosing all the claimed features except for the claimed storing of the OSD graphic data from the buffer region in response to a replacement signal, for which the Office Action relies upon Lee.

Lee sets forth the editing and storing of memos in a video processing apparatus, and in this regard, when a user is entering a memo Lee sets forth: "Thus, if the memo input continues, the previously input memo data are stored in the buffer and, at the same time, the input memo data are displayed on the screen to allow the user to confirm the input memos...when microcomputer 40 determines completion of the memo input in step 109 (i.e., via a user key operation or expiration of a timer), microcomputer 40 in step 110 stores the memos previously stored in the buffer into the RAM, and then calls the program for indicating the storage completion of the memos." See Lee in col. 4, lines 45-56, also cited in the Office Action.

Again, Schein et al. discloses the downloading and storing of television schedule information. As stated in the Abstract of Schein et al., "The present invention provides systems and methods for providing television schedule information to a viewer, and for allowing the viewer to link, search, select and interact with information in a remote database, e.g., a database on the internet. The television schedule information can be displayed on a variety of viewer interfaces, such as televisions screens, computer monitors, PCTV screens and the like. The television schedule information may be stored on the viewer's computer, television, PCTV, or a remote server (e.g., a website), or the television schedule information may be downloaded from a remote database to the viewer's computer, television, or PCTV."

In the portions of Schein et al. regarding the downloading and storing of the television schedule information, or any OSD graphic data, Schein et al. only describes how the television schedule information can be downloaded and stored and does not appear to be desiring, or open, to a memo/message type interaction described in Lee. See Schein et al. in cols. 6 and 7.

Inherent in a message or memo type operation is the storing of the message or transferring of the message from the buffer being used for input to permanent memory, e.g., like

a typical word processor where the written text may be stored in a memory buffer until the written text is stored as a named file in the memory. Thus, the transition of the written text in <u>Lee</u> from buffer memory to permanent memory is something directly related to the input of memo data.

However, such entry of memo data would not appear relevant to the schedule downloading operation of <u>Schein et al.</u>

In <u>Schein et al.</u>, the television schedule information is unlike the OSD graphic data of the presently claimed invention, which is user selectable and approvable, i.e., the user in the presently claimed invention can choose to download replacement OSD graphic data, e.g., from the manufacturer of a corresponding television, the user can request the download of the OSD graphic data to a buffer, and then can approve the storing of that downloaded OSD graphic data to memory.

Because there is such a difference between the OSD graphic data of the present invention and the television schedule information, which is essentially pushed data, of <u>Schein et al.</u>, this difference clarifies why one of ordinary skill in the art would not have modified <u>Schein et al.</u> to include an addition user interaction for transferring downloaded television schedule information from a buffer to memory.

In embodiments of the present invention, there is a direct relationship between the requested downloaded OSD graphic data and the approval of the downloaded OSD graphic data. Upon that approval, in the claimed invention, the downloaded OSD graphic data in the buffer is stored in the memory.

However, in <u>Schein et al.</u>, there is no need for such user interaction.

Similarly, there would not appear to be need in <u>Schein et al.</u> to include a memo operation of <u>Lee</u>.

Further, in <u>Schein et al.</u>, where would not appear to be any reason to first store the downloaded television schedule information to the buffer, then wait for a user signal, and then store that television schedule information in memory. Conversely, as the overall desire in <u>Schein et al.</u> is to connect the television user with advertisers and broadcasters there would appear to be motivation against permitting a user to prevent the storage of this data. It would appear that it would be preferable for the user of the television to always receive the television schedule information so the user always is shown information from the advertisers or broadcasters.

The Office Action indicates that it would have been obvious to modify <u>Schein et al.</u> "to allow the incoming OSD data to be temporarily stored upon transmission until the user could

decide whether to permanently keep it or discard it. This would allow the user to select what data they would like to keep without using excessive memory by storing it all on a permanent media. Thus it would be obvious to use a volatile/non-volatile memory combination to allow for maximum user customization while using minimum storage capacity."

However, as noted directly above, it is respectfully submitted that if there is any motivation regarding the television schedule information, the motivation in the field of selling products and programs would be to prevent maximum customization of the downloaded data, e.g., if a user could decide to block all advertisements and promotions there would not be any need or desire for advertisers to pay for inclusions of advertisements in the television schedule information. Similarly, several DVR services prevent users from blocking the recording the television commercials.

Thus, if an underlying purpose of Schein et al. is to bring the television viewer closer to the advertisers and broadcasters, there would be a counter motivation (than that proposed in the Office Action) to prevent users from customizing the downloading of the television schedule information.

Further, if the user is to be permitted to control the download of the television schedule information, such an operation in Schein et al. would appear to prevent the user from having any television schedule information, i.e., if the download of the television schedule information is prevented from be transitioned from a buffer to a memory, then the television may not have any television schedule information stored in the memory.

Thus, it is respectfully submitted that there would not have been motivation to modify Schein et al., as proffered in the Office Action.

Further, it is respectfully submitted that the disclosed feature in Lee is not sufficiently related to the downloading operation of Schein et al., i.e., there would not appear any need or desire for the memo feature thereof. Again, it is noted that in Lee the transitioning from the buffer to the memory is performed only because of the memo feature. Thus, the only desire to include the same in Schein et al. would be for the benefit of the memo feature.

Therefore, it is respectfully submitted that claims 1, 2, 4, 6, 7, 14, 17, 18, 33, 34, 38-41, 43, and 44 patentably distinguish over Schein et al. and Lee, alone or in combination. Further, it is respectfully submitted that the claims depending from claims 1, 2, 4, 6, 7, 14, 17, 18, 33, 34, 38-41, 43, and 44 are also in proper condition for allowance.

Claims 5 and 16 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u> and <u>Lee</u>, in view of <u>Kohn</u>, U.S. Patent No. 6,570,990; claims 9 and 20 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u> and <u>Lee</u>, in view of <u>Yoshinobu et al.</u>, U.S. Patent No. 5,686,954; claims 12 and 13 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u> and <u>Lee</u>, in view of <u>Kohn</u>; claims 11 and 42 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u> and <u>Lee</u>, in view of <u>Terakado</u>; claims 23, 25, 26, and 31 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u> and <u>Lee</u>, in view of <u>Pavley</u>, U.S. Patent No. 6,317,141; claim 28 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u>, <u>Lee</u>, and <u>Pavley</u>, in view of <u>Yoshinobu</u>; claim 30 stands rejected under <u>Schein et al.</u>, <u>Lee</u>, and <u>Pavley</u>, in view of <u>Terakado</u>; claim 32 stands rejected under 35 USC 103 as being obvious over <u>Schein et al.</u>, <u>Lee</u>, and <u>Pavley</u>, in view of <u>Robinson</u>, (IEEE publication "A HIGH-QUALITY Switched FM Video System;" claims 35 and 45 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u>, in view of <u>Needham</u> and <u>Lee</u>; and claims 36 and 37 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u> and <u>Lee</u>, in further view of <u>Naim</u>, U.S. Patent No. 6,694,200. These rejections are respectfully traversed.

It is respectfully requested that these rejections be withdrawn for at least the above allowability remarks for claims 1, 2, 4, 6, 7, 14, 17, 18, 33, 34, 38-41, 43, and 44.


Claims 10, 21, 22, and 29 stand rejected under 35 USC 103 as being obvious over <u>Schein et al.</u>, in view of <u>Terakado</u>, U.S. Patent No. 6,311,329. This rejection is respectfully traversed.

It is respectfully submitted that claims 10, 21, 22, and 29 are at least allowable based on the allowability of base claims, noting that <u>Terakado</u> similarly fails to disclose or suggest, alone or in combination with <u>Schein et al.</u>, the deficiencies noted above.

In addition, similar to above, it is respectfully submitted that the Office Action's proposed modification of <u>Schein et al.</u> requires <u>Schein et al.</u> to be modifiable while downloading the television schedule information, as the Office Action has indicated that it would have been obvious to modify <u>Schein et al.</u> to perform the claimed different OSD graphic data usage based upon the user mode of the video apparatus.

Again, in <u>Schein et al.</u>, there would not appear to be any reason to permit a user to modify the downloading of the television schedule information. Further, if the television schedule information is not updatable then new advertisements and new television scheduling would not be available to the user. Similarly, using stored schedule information from a "non-user" mode

would not appear helpful as that information will be outdated and incomplete, while having a "user mode" would also appear counter to the general disclosure of <u>Schein et al.</u>

Therefore, it is respectfully submitted that it would not have been obvious to modify <u>Schein et al.</u> as proffered in the Office Action. Withdrawal of this rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
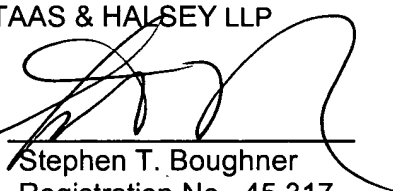
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: __September 30, 2005__          By: _____
                                        Stephen T. Boughner
                                        Registration No. 45,317

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501